

★ JUL 27 2010 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

STANISLAV VANDENKO,

x

Petitioner,

:

MEMORANDUM & ORDER

-against-

10-CV-3208 (ENV)

WILLIAM LEE, SUPERINTENDENT

:

Respondent.

:

x

**VITALIANO, D.J.**

On July 19, 2010, the Court issued an Order to Show Cause directing respondent to serve a response to *pro se* petitioner's § 2254 petition for habeas corpus by September 10, 2010. (Dkt. # 2.) Respondent has correctly pointed out, however, that embedded within the petition was a request for a stay or abeyance due to petitioner's "unresolved unexhaust[ed] claims" in state court. (Pet. at 3.) Respondent now requests clarification whether it should respond to the claims currently in the petition or await exhaustion of all claims before serving any response.

Upon review of the petition, the Court cannot determine what state law remedies are currently being pursued and are unexhausted by petitioner. The Court therefore vacates the Order to Show Cause and directs petitioner to clarify his request for a stay by written letter to the Court by no later than August 27, 2010. In this letter, petitioner must state both the nature of his unexhausted state remedies, and what proceedings are currently pending in state court. If petitioner fails to notify the Court in a timely fashion, the motion for a stay will be summarily denied, and a new Order to Show Cause will be issued.

**SO ORDERED.**

Dated: Brooklyn, New York  
July 26, 2010

s/ ENV  
ERIC N. VITALIANO  
United States District Judge

CM